

REMARKS

In accordance with the foregoing, claims 1-27 and 39 are canceled.¹ The rejections of claims 18-20 and 24-27 at pages 2-3 of the Action thus are moot, inasmuch as those claims are not pending herein.

Further, in the foregoing, claims 53 and 57/53, 63, 70, 79, 80 and 83 are amended responsive to the objections to, and/or rejections under 35 USC § 112, ¶2 of, those claims at pages 2-3 of the Action. More particularly, claim 53 is amended to delete therefrom the duplicate limitation presented in claim 57/53 and, accordingly, it is respectfully submitted that claim 57 is now in proper dependent form and that the objection thereto should be withdrawn.

On the other hand, the remaining claims 63, 70, 79, and 83 have been amended to afford proper antecedent support. Accordingly, these claims are submitted to be in compliance with § 112, ¶ 2 and, accordingly, the rejections thereof are requested to be withdrawn. Minor corrective amendments are made in various other claims, as well.

In accordance with the foregoing, independent claims 28, 35, 46, 53, 63, and 70 have been amended to include the limitations of their respective dependent claims 33, 36, 51, 54, 68, and 71, which dependent claims are indicated to contain allowable subject matter. (See, page 10 of the Action under the heading "Allowable Subject Matter").

It is noted that a limitation "transversely to and crossing the barriers and the cavity therebetween" has been deleted from claims 28, 35, and 46 since submitted to be unnecessary to patentability. For example, allowable claim 71 is dependent from original claim 7 in which that limitation is not present. Note further that no corresponding such limitation is present in independent claim 53, as to which dependent claim 54/53 is indicated to contain allowable subject matter (and, as noted above, claim 53 has been amended to include the limitation of claim 54/53 and the latter has been canceled).

Further, in accordance with the foregoing, the specified dependent claims have been

¹ The Office Action Summary in items 4 and 4a, on the other hand, indicates that claims 21-23 are pending and that claims 18-20 and 24-27 are withdrawn (but still pending). On the other hand, item 6 specifies the rejection of claims 18-27 and 39 (among others). However, page 2 of the Action acknowledges cancellation of claims 1-17 and 39.

It follows that there is some degree of confusion in the records and correction of same to reflect the cancellation of all of claims 1-27 and 39 is respectfully requested.

canceled, as have the remaining independent claims 62, 79, and 80 and the dependent claims 81-84.

Accordingly, all claims still pending herein, namely, independent claims 28, 35, 46, 53, 63, and 70, as amended herein, and their respective dependent claims are now allowable over the art.

No new matter is presented and, accordingly, approval and entry of the foregoing amendments are respectfully requested.

REJECTION OF CLAIMS: CLAIMS 21, 22, 28, 29, 34, 35, 37, 38, 40-42, 44-47, 52, 53, 55-59, 61-64, 67, 69, 70, 72-75, 77-84 ARE REJECTED UNDER 35 USC § 102(E) AS BEING ANTICIPATED BY SANO (USP 5,182,489);

REJECTION OF CLAIMS 30, 48 AND 66 FOR OBVIOUSNESS UNDER 35 USC § 103(a) OVER SANO IN VIEW OF SALAVIN ET AL. (USP 5,066,890); and

REJECTION OF CLAIMS 23, 31, 32, 43, 49, 50, 60, 65 AND 76 ARE REJECTED UNDER 35 USC § 103(a) AS BEING UNPATENTABLE OVER SANO (USP 5,182,489) IN VIEW OF WADA ET AL. (USP 4,692,662)

The foregoing rejections are now moot, taking into account the claim amendments and cancellations hereinabove.

REJECTION OF CLAIMS 35, 36, 38, 40, 42, 43, 53, 54, 56, 57, 59, 60, 80, 84 FOR OBVIOUSNESS-TYPE DOUBLE PATENTING OVER CLAIMS 16, 17, 18, 21, AND 25 OF USP 5,661,500

A Terminal Disclaimer is submitted herewith for overcoming the statutory double patenting rejection.

PAGE 10: ALLOWABLE SUBJECT MATTER OF DEPENDENT CLAIMS 33, 51, 68 AND 71

As above noted, rather than rewriting the dependent claims containing "allowable" subject matter to independent form, the respective independent claims have been amended to incorporate the limitations of those dependent claims and the dependent claims have been canceled.

CONCLUSION


In accordance with the foregoing, it is submitted that all pending claims are now allowable over the art of record and are in compliance with 35 USC § 112, ¶ 2. There being no other objections or rejections, it is submitted that the application is in condition for allowance, which action is earnestly solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.


Respectfully submitted,

STAAS & HALSEY LLP

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By: 
H. J. Staas
Registration No. 22,010

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

CERTIFICATE UNDER 37 CFR 1.8(a)
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on November 13, 2003
STAAS & HALSEY
By: 
Date: 11-13-03